

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

Lewis Edward Byrd, III,

Civil Action No: 17-CV-191-JDP

Plaintiff,

V.

AFFIDAVIT OF JASON R.
PROCHNOW

Brandon Arenz,

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Jason R. Prochnow, being first duly sworn upon oath, states and alleges as follows:

1. I am one of the attorneys representing Defendant Brandon Arenz in the above-entitled matter. I submit this Affidavit in opposition to Plaintiff's motion to compel.
2. Defendant Brandon Arenz is an adult resident of Wisconsin, who was formerly employed with the City of Hillsboro Police Department at the time of this incident on August 13, 2016.
3. The City of Hillsboro is located in Vernon County, Wisconsin.
4. Attached herewith as Exhibit 1 is a true and correct copy of Plaintiff's initial motion/demand for discovery dated February 5, 2018.

Exhibit 2
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5. Attached herewith as Exhibit 2 is a true and correct copy of Plaintiff's second motion/demand for discovery dated February 14, 2018.

(6) Defendant has fully responded to Plaintiff's requests for discovery, dated 2/5/18 and 2/14/18, and has already produced 182 pages of written material, along with a dash cam video.

7. Attached herewith as Exhibit 3 is a true and correct copy of Defendant's responses to Plaintiff's motions/requests for discovery (without the 182 pages of documents and the dash cam video identified therein).

8. Plaintiff's motion to compel discovery is improper because Plaintiff is mistakenly trying to obtain documents or items that are not in the control or possession of Defendant Arenz', or his former employer City of Hillsboro. I personally contacted my client and the City of Hillsboro, and have confirmed that neither of them have copies of the photographs, documents or items listed in Plaintiff's motion to compel, Items 1 to 3.

9. That Plaintiff's motion to compel Items 1 to 3 are likely stored in the Monroe County Sheriff's Office and/or with the Wisconsin State Highway Patrol if those items still exist.

(10) That Defendant has no additional items to produce in response to Plaintiff's motion to compel, Items 6 and 7.

11. That Plaintiff's motion to compel Items 4 and 5 are "new" demands for discovery, which Defendant had not received prior to receiving Plaintiff's motion to compel dated March 19, 2018.

12. That Defendant is not aware of any existing psychiatric evaluations performed on Officer Brandon Arenz, and Defendant is not in possession of the certification requirements related to State of Wisconsin police officers.


FURTHER YOUR AFFIANT SAYETH NOT.

Dated: March 28, 2018


JASON R. PROCHNOW

Subscribed and sworn to before me
this 28 day of March, 2018.





Notary Public
My commission expires